

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

BRYAN GOYER,

Petitioner,

v.

No. 1:15-cv-01185-JDB-egb

UNITED STATES OF AMERICA,

Respondent.

ORDER DIRECTING PETITIONER TO FILE STATEMENT
AND
CLERK TO SEND FORM

On July 24, 2015, Petitioner, Bryan Goyer, filed a *pro se* motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 (“Petition”). (Docket Entry 1.) In ground two of the Petition he seeks relief under *Johnson v. United States*, 135 S. Ct. 2551 (2015). (*Id.* at PageID 5.) The United States Probation Office (“USPO”) prepared a revised memorandum on December 12, 2017, addressing *United States v. Stitt*, 860 F.3d 854 (6th Cir. 2017) (en banc), and other issues relating to the Petition, including whether the defendant’s prior convictions for burglary under Tennessee law qualify as violent felonies under the Armed Career Criminal Act, 18 U.S.C. § 924(e).

The Court DIRECTS Petitioner to file a statement, within twenty-eight (28) days of entry of this order, indicating whether he consents to the appointment of counsel to represent him in this proceeding, including for the purpose of addressing the USPO memorandum. If the inmate consents, he shall submit with his statement a completed application to proceed *in forma pauperis*.

The Clerk is DIRECTED to send Petitioner an *in forma pauperis* application.

IT IS SO ORDERED this 4th day of January 2018.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE